

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

v.

04-cr-110-wmc-1

CHASKA J. CARRILLO,

Defendant.

A hearing on the probation office's petition for judicial review of Chaska J. Carrillo's supervised release was held on March 21, 2017, before U.S. District Judge William M. Conley. The government appeared by Assistant U.S. Attorney Robert Anderson. The defendant was present in person and by counsel William Jones. Also present was Senior U.S. Probation Officer John F. Pick.

From the record I make the following findings of fact.

The defendant was sentenced by the Honorable Barbara B. Crabb in the Western District of Wisconsin on November 19, 2004, following his conviction for distribution of cocaine base, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), a Class C felony. He was committed to the custody of the Bureau of Prisons to serve a term of imprisonment of 151 months with a three-year term of supervised release to follow. On November 4, 2005, the defendant's custodial sentence was reduced to 140 months' imprisonment. In all other respects, the judgment remained as entered on November 19, 2004. The defendant began his term of supervised release

on September 24, 2014, after his unsuccessful prerelease to a residential reentry center (RRC) in Eau Claire and completion of his sentence at the local jail.

On April 4, 2016, Judge Crabb amended the defendant's conditions of supervision by adding his placement for up to 180 days at an RRC. The U.S. Probation Office requested this placement because the defendant had submitted a urine specimen that tested positive for marijuana, and he was not working or in school at the time. Because placement at the RRC in Duluth was not immediately available, the defendant enrolled in school and obtained employment. Therefore, the RRC placement was suspended.

Unfortunately, since then the defendant has continued to violate the conditions of his release. First, the defendant repeatedly violated Standard Condition No. 2, requiring him to report to the probation officer as directed. After making numerous attempts to reach the defendant by telephone and in person at his approved residence, a letter was sent to him through the U.S. Postal Service on November 11, 2016. In the letter, the defendant was instructed to report to the State of Wisconsin Probation and Parole Office on November 21, 2016, for an appointment with his U.S. probation officer and his state probation officer. The defendant failed to appear for that appointment. His whereabouts remained unknown until his arrest on March 6, 2017.

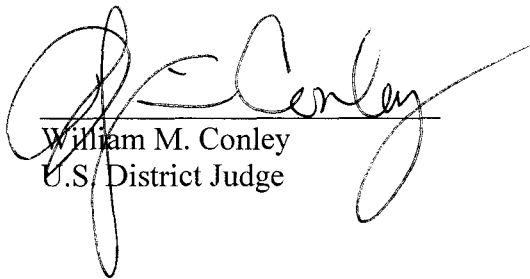
Second, the defendant violated Standard Condition No. 6, requiring him to notify the probation officer at least ten days prior to any change in employment. On November 23, 2016, the U.S. probation officer spoke to the defendant's reported employer in an attempt to locate the defendant. The employer informed the probation officer that the defendant had been laid off from the position in September 2016.

The defendant's most serious conduct falls into the category of a Grade C violation. Under §7B1.3(a)(2) of the advisory guidelines, the Court may revoke or extend the term of supervised release upon finding of a Grade C violation.

While the defendant's violations warrant revocation, his three-year term of supervised release imposed on November 19, 2004, and affirmed on November 4, 2005, is CONTINUED at this time, subject to his being held in custody pending an opening at an RRC facility in Eau Claire, WI, or Duluth, MN, to fulfill the special condition imposed by Judge Crabb on April 4, 2016.

Entered this 21st day of March 2017.

BY THE COURT:



William M. Conley
U.S. District Judge